

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

MONTY C. PEPPER,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-84-JJF
	:	
WARDEN THOMAS CARROLL,	:	
et al.,	:	
	:	
Defendants.	:	

SUPPLEMENTAL SERVICE ORDER

WHEREAS, Plaintiff named as a defendant James Cordel [sic], but service was returned unexecuted as "unknown to DCC" (D.I. 32);

WHEREAS, Deputy Attorney General Lisa Barchi advised the Court "that the defendant listed as James Cordell is really James Gardels" (D.I. 28);

WHEREAS, Deputy Attorney General Lisa Barchi has filed pleadings on behalf of James Gardels (D.I. 33, 37);

WHEREAS, Plaintiff has submitted to the Court a new "U.S. Marshal-285" form for service upon James Gardels (D.I. 42);

NOW THEREFORE, IT IS HEREBY ORDERED this 27 day of February, 2006 that:

1. The Clerk of the Court shall cause a copy of this order to be mailed to Plaintiff.

2. Pursuant to Fed. R. Civ. P. 4(c)(2) and (d)(2), Plaintiff has provided the Court with an **original** "U.S. Marshal-285" form for **James Gardels and one copy of the complaint (D.I. 2), the amended complaint (D.I.7), and the second amended**

complaint (D.I. 16) for service upon James Gardels.

3. The United States Marshal shall forthwith serve a copy of the complaint and the amended complaints, this order, a "Notice of Lawsuit" form, the filing fee order(s), and a "Return of Waiver" form upon the James Gardels as identified in the 285 form.

4. Within **thirty (30) days** from the date that the "Notice of Lawsuit" and "Return of Waiver" forms are sent, if an executed "Waiver of Service of Summons" form has not been received from James Gardels, the United States Marshal shall personally serve said defendant pursuant to Fed. R. Civ. P. 4(c)(2) and said defendant shall be required to bear the cost related to such service, unless good cause is shown for failure to sign and return the waiver.

5. Pursuant to Fed. R. Civ. P. 4(d)(3), a defendant who, before being served with process timely returns a waiver as requested, is required to answer or otherwise respond to the complaint within **sixty (60) days** from the date upon which the complaint, this order, the "Notice of Lawsuit" form, and the "Return of Waiver" form are sent. If a defendant responds by way of a motion, said motion shall be accompanied by a brief or a memorandum of points and authorities and any supporting affidavits.

6. No communication, including pleadings, briefs, statement

of position, etc., will be considered by the Court in this civil action unless the documents reflect proof of service upon the parties or their counsel.

7. **Note: ***** When an amended complaint is filed prior to service, the court will **VACATE** all previous service orders entered, and service **will not take place**. An amended complaint filed prior to service shall be subject to re-screening pursuant to 28 U.S.C. §1915(e)(2) and § 1915A(a). *******

8. **Note: ***** Discovery motions and motions for appointment of counsel filed prior to service will be dismissed without prejudice, with leave to refile following service. *******


UNITED STATES DISTRICT JUDGE